

Colonel Hallstrom has served in the Air National Guard since 1985, and today, he is the commander of the 193rd Special Operations Medical Group.

Colonel Hallstrom served this country in several missions, including Operations Desert Storm, Continuing Hope, Enduring Freedom, and Iraqi Freedom.

Colonel Hallstrom also achieved the rank of chief flight surgeon by logging more than 173 combat hours.

In addition to being a commanding officer in the Air National Guard, Colonel Hallstrom is also a physician in DuBois, Pennsylvania, where he practices physical medicine, rehabilitation, and pain medicine.

Madam Speaker, please join me in congratulating Colonel Hallstrom on his many years of service to our country. We understand that freedom is not free. On behalf of a grateful Nation, we thank him for his service and his commitment to our country.

□ 1215

PROVIDING FOR CONSIDERATION OF S. 4524, SPEAK OUT ACT; AND FOR OTHER PURPOSES

Ms. SCANLON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1464 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1464

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (S. 4524) to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to commit.

SEC. 2. (a) At any time through the legislative day of Friday, November 18, 2022, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules as though under clause 1 of rule XV with respect to multiple measures described in subsection (b), and the Chair shall put the question on any such motion without debate or intervening motion.

(b) A measure referred to in subsection (a) includes any measure that was the object of a motion to suspend the rules on the legislative day of November 14, 2022, November 15, 2022, November 16, 2022, November 17, 2022, or November 18, 2022, in the form as so offered, on which the yeas and nays were ordered and further proceedings postponed pursuant to clause 8 of rule XX.

(c) Upon the offering of a motion pursuant to subsection (a) concerning multiple measures, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

SEC. 3. Notwithstanding clause 8 of rule XX, further proceedings on a vote by the yeas and nays on the question of adoption of a motion that the House suspend the rules offered on the legislative day of November 14, 2022, or November 15, 2022, may be postponed through the legislative day of November 18, 2022.

SEC. 4. On any legislative day during the period from November 21, 2022, through November 28, 2022, the Journal of the proceedings of the previous day shall be considered as approved.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

SEC. 6. Each day during the period addressed by section 4 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 7. Each day during the period addressed by section 4 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 8. Each day during the period addressed by section 4 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 9. House Resolution 1463 is hereby adopted.

The SPEAKER pro tempore (Ms. ESHOO). The gentlewoman from Pennsylvania is recognized for 1 hour.

Ms. SCANLON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Minnesota (Mrs. FISCHBACH), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. SCANLON. Madam Speaker, I ask unanimous consent that all Members be given 5 legislation days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

Ms. SCANLON. Madam Speaker, yesterday the Committee on Rules met and reported a rule, House Resolution 1464, providing for consideration of S. 4524, the Speak Out Act, under a closed rule. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary as well as one motion to commit.

The rule further provides the majority leader or his designee the ability this week to en bloc requested roll call votes on suspensions. The rule also provides roll call votes on suspension bills considered on November 14 or 15 may be postponed through November 18.

Lastly, the rule provides standard recess instructions for the district work period from November 21 through November 28 and deems passage of House Resolution 1463.

Madam Speaker, today's rule provides for consideration of the Speak Out Act, a straightforward, bipartisan bill, that passed the Senate unanimously, to prevent nondisclosure

agreements from silencing victims of sexual assault and harassment.

Over the past 5 years, we have seen numerous cases of women and men disclosing their experiences of sexual harassment in the workplace. As more people came forward, others felt empowered to share their experiences, and offenders who had long gotten away with such reprehensible conduct increasingly faced consequences to their actions.

While many high-profile cases focused on movie executives, actors, TV personalities, professional athletes, and elected officials, sexual assault and harassment has been endemic in American workplaces for a very long time. The silencing of survivors with nondisclosure agreements has played a significant role in allowing such misconduct to continue.

Over the span of multiple congressional hearings, we have heard firsthand accounts of how harassment affects workers in all industries, from farms to offices to restaurants to colleges. Sexual harassment is pervasive in U.S. workplaces. It is not a problem unique to athletes and celebrities that we see on TV.

However, the one thing that many of the stories have in common is that the perpetrators are often people in positions of power, CEOs, bosses, managers, and executives, and these people have access to expensive lawyers and PR teams to exploit flaws in our legal system to protect themselves and silence those they have abused.

Now, thanks to the courage of survivors and the increasing power of women and other historically underrepresented groups in the workplace, there is a newfound recognition of the social and economic consequences of a status quo that enables or excuses such misconduct, and there is new momentum to ensure that the American workplace environment is safe and fair for all.

I am so encouraged that this Congress has been able to come together and pass legislation to address this problem. Earlier this year, Congress passed bipartisan legislation that now prevents companies from using forced arbitration agreements to resolve cases of sexual assault or harassment.

Forced arbitration clauses are widespread in employment contracts and generally prevent workers from suing their employer in court. Arbitration proceedings overwhelmingly benefit the employer because the employer decides the venue, terms of mediation, and even the arbitrators themselves. Forced arbitration, combined with nondisclosure agreements, meant that victims were kept silent and forced into settlements over which they had little control and kept predators from facing accountability for their actions.

Even more concerning, the silencing of survivors of abuse through forced arbitration and nondisclosure agreements thwarts an important tool for preventing future misconduct. Abusers

who are not held responsible are free and, in a sense, encouraged to offend again. Given the stigma that victims of such abuse often encounter, they are less likely to come forward if they think the abuse they endured was an isolated incident.

With the passage of the Speak Out Act, both of these legal gimmicks will be banned in cases of sexual assault in the workplace, freeing workers and making corporations take responsibility for actually creating a safe work environment. These laws won't end sexual harassment and abuse in the workplace overnight, but it will now make it easier for victims to seek justice and deter bad behavior.

As a woman, and the mother of a daughter, like at least a third of women in the American workplace, both of us have experienced or witnessed such workplace behavior, so I wholly support this legislation.

In my view, passing the Speak Out Act should be an easy task for the House of Representatives. It is a simple, sensible bill, and it passed unanimously in the Senate, an institution not always known for finding consensus.

Here in the House, the Speak Out Act should receive similar treatment, passage with an overwhelming, if not unanimous, majority. But we have been forced by the obstruction of a number of our more extreme Republican colleagues to expend the time needed to pass a rule, engage in hours of debate, and take four votes to pass the bill in the House, when we have numerous pressing items demanding Congress' attention before year's end.

The fact that the bill passed with all 100 Senators in support, in an evenly divided Senate, should tell you that if there were serious problems with the bill, they have already been resolved. Anyone who has actually read the legislation knows that.

NDA's are meant to protect trade secrets and business dealings. Why would anyone try to enable their use in covering up sexual assault?

I am here to get results for my constituents, and that includes measures to ensure that our workplaces are free from sexual assault and abuse.

Madam Speaker, I strongly encourage all my colleagues to support today's rule, and I reserve the balance of my time.

Mrs. FISCHBACH. Madam Speaker, I thank the Representative from Pennsylvania for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Today, we are here to consider House Resolution 1464, providing for the consideration of the Speak Out Act, among other provisions.

Let me be clear: House Republicans agree that victims of sexual harassment and assault deserve justice. Unfortunately, due to the fact that this bill is poorly drafted and questionable findings from the Senate bill remain that were specifically stripped out of

the House version during Judiciary markup, there are still several legitimate concerns surrounding the unintended consequences of H.R. 8227, the Speak Out Act.

We must maintain respect for the victims and their privacy. Making settlements less valuable to defendants by making confidentiality provisions unenforceable could leave victims worse off.

This bill may force victims of sexual assault and sexual harassment to take their claims to court in a public process, but some victims may be reluctant to speak out in any form if they know that their stories will be public.

Furthermore, removing the benefit of confidentiality may remove the incentives that defendants have to settle and give them more reason to fight harder in court, which may not be in the plaintiff's best interest.

The bill is also worded in a way that may also apply to certain post-dispute nondisclosure and non-disparagement clauses, broadly making both predispute and post-dispute nondisclosure and non-disparagement clauses unenforceable and may affect existing settlements.

This begs the question: What is the point of drawing up a contract if Congress will eventually step in after the fact and invalidate it? What is more, this bill would effectively impose a new regulatory floor that comes from the top down, overtaking the role of the State. Republicans do not believe in a one-size-fits-all approach, especially in this case, where it may do more harm than good for these victims.

This legislation should remind us all to think carefully about federalism and when Congress should enact Federal regulatory floors.

States have traditionally decided how to regulate contract clauses, and some have already passed laws to regulate these specific clauses relating to sexual harassment and assault.

The bill even uses State and Tribal laws to define terms within it, but this bill should supersede those State decisions in some cases.

Though I believe this bill is well-intentioned, it would be a mistake to rush to pass it as is, where significant concerns need to be addressed.

Madam Speaker, it is for those reasons I oppose this rule and ask Members to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. SCANLON. Madam Speaker, I reserve the balance of my time.

□ 1230

Mrs. FISCHBACH. Madam Speaker, as I said in my opening remarks, the bill under consideration by this rule is well-intentioned but flawed. It deserves additional time to thoughtfully consider legitimate concerns. House Republicans are committed to ensuring victims of sexual violence receive the justice they are entitled to, but that does not mean the flaws outlined should be ignored.

Madam Speaker, again, I oppose the rule, and I encourage Members to do the same.

Madam Speaker, I yield back the balance of my time.

Ms. SCANLON. Madam Speaker, I am looking forward to the fact that by the end of the week, the Speak Out Act will be signed into law.

While these reforms to the nondisclosure agreements and forced arbitration agreements will only go so far, they will create a more even playing field for survivors of sexual assault and harassment. Thousands of people will be freed from the unfair burdens of NDAs, and I sincerely hope this brings justice and closure to those who need it.

I also recognize that there is a lot more this Congress should do to support both workers and victims of sexual assault.

We can't ignore the disproportionate power that most employers hold over their employees, which can often lead to unfair outcomes for workers. Whether it is NDA agreements that silence victims, contracts that undercut workers' pay or rights, forced arbitration clauses, or egregious noncompete agreements, there is much more work to do to guarantee an even playing field for all workers in this economy.

I am proud of the work House Democrats have accomplished for workers this Congress. Although the Senate filibuster has greatly curtailed the scope of what we should do, Democrats and President Biden have secured multiple wins for workers over the past 2 years, and the Speak Out Act is another victory in that column.

Madam Speaker, I urge all my colleagues to support today's rule.

Ms. JACKSON LEE. Madam Speaker, I rise in support of H. Res. 1464, the rule providing for consideration of S. 4524, The Speak Out Act.

I commend you and Rules Committee Chairman MCGOVERN for providing this rule to allow The Speak Out Act to be brought before us for debate and a vote, as it reflects our priorities for the American people.

Our Democratic Party Caucus deeply believes in women's rights, from reproductive rights to workplace rights, including the right to engage in one's career without being subjected to sexual harassment or abuse that impairs lives and livelihoods.

By bringing this rule to the House, and allowing consideration of The Speak Out Act, our leadership emphatically asserts that women's rights are American rights; that the right to be treated with dignity and respect in the workplace is a priority of Democrats, and that those rights must not be deterred.

The Speak Out Act would limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment.

This bill is critical to ending the culture of silence that quiets the voices of survivors of sexual harassment. Ending the cycle of abuse starts with eliminating the power that perpetrators have over their victims.

Currently, companies can sue workers for breaking an NDA. The threat of legal retaliation is daunting enough to keep workers from coming forward with stories of abuse.

These NDAs have become commonplace in many industries. Harvard Business Review has estimated that over one third of the U.S. workforce is bound by NDAs.

These NDAs not only appear in settlements after a victim of sexual harassment has raised their voice, but also have become routinely included in standard employment contracts that are used at the time of hiring.

Typically, NDAs work to provide confidentiality and protection, but they have increasingly been used to protect power dynamics that enable abusers to continue their dangerous and disgusting behavior.

One in 3 women has faced sexual harassment in the workplace during her career, and an estimated 87 to 94 percent of those who experience sexual harassment never file a formal complaint.

The reality is that many of these women have no voice because the system rewards male manipulators and penalizes women who challenge the status quo. This is institutionalized abuse.

The Speak Out Act can change this reality by preventing employers from enforcing non-disclosure or non-disparagement agreements (NDAs) in instance's when employees and workers report sexual misconduct.

In the wake of the #MeToo and #TimesUp movements, our country has become acutely aware that men in power frequently leverage that power abusively to exploit women.

Sexual abuse and harassment can destroy a victim's financial security, mental health, and career path.

By standing up for their rights, the women who have been subjected to abuse often become mired in a lengthy and costly lawsuit that drains their finances, imposes a heavy psychic toll, and impairs their future job prospects by creating a misimpression that they are disruptive workers.

Women face a disturbing choice when sexually assaulted in the workplace: report the abuse publicly and face litigation, leave the company and abandon their income, or the choice that many are forced to make, put their heads down and pretend it did not happen.

Passing this rule to allow consideration of The Speak Out Act aims to provide victims with a third option to pursue justice.

It is time to amend the NDA system to strip the power from abusive employers and give it back to the employee.

Ms. SCANLON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on adoption of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 208, not voting 9, as follows:

[Roll No. 479]

YEAS—215

Adams	Auchincloss	Bass
Aguilar	Axne	Beatty
Allred	Barragán	Bera

Beyer	Hayes	Panetta
Bishop (GA)	Higgins (NY)	Pappas
Blumenauer	Himes	Pascarell
Blunt Rochester	Horsford	Payne
Bonamici	Houlihan	Peltola
Bourdeaux	Hoyer	Perlmutter
Bowman	Huffman	Peters
Boyle, Brendan F.	Jackson Lee	Phillips
Brown (MD)	Jacobs (CA)	Pingree
Brown (OH)	Jayapal	Pocan
Brownley	Jeffries	Porter
Bush	Johnson (GA)	Pressley
Bustos	Johnson (TX)	Price (NC)
Butterfield	Jones	Quigley
Carbajal	Kahele	Raskin
Cárdenas	Kaptur	Rice (NY)
Carson	Keating	Ross
Carter (LA)	Kelly (IL)	Roybal-Allard
Cartwright	Khanna	Ruiz
Case	Kildee	Ruppersberger
Casten	Kilmer	Rush
Castor (FL)	Kim (NJ)	Ryan (NY)
Castro (TX)	Kind	Ryan (OH)
Cherfilus-	Kirkpatrick	Sánchez
McCormick	Krishnamoorthi	Sarbanes
Chu	Kuster	Scanlon
Cicilline	Lamb	Schakowsky
Clark (MA)	Langevin	Schiff
Clarke (NY)	Larsen (WA)	Schneider
Cleaver	Larson (CT)	Schrader
Clyburn	Lawrence	Schrier
Cohen	Lawson (FL)	Scott (VA)
Connolly	Lee (CA)	Scott, David
Cooper	Lee (NV)	Sewell
Correa	Leger Fernandez	Sherman
Costa	Levin (CA)	Sherrill
Courtney	Levin (MI)	Sires
Craig	Lieu	Slotkin
Crow	Lofgren	Smith (WA)
Cuellar	Lowenthal	Soto
Davids (KS)	Luria	Spanberger
Davis, Danny K.	Lynch	Speier
Dean	Malinowski	Stansbury
DeFazio	Maloney,	Stanton
DeGette	Carolyn B.	Stevens
DeLauro	Maloney, Sean	Strickland
DelBene	Manning	Swalwell
Demings	Matsui	Takano
DeSaulnier	McBath	Thompson (CA)
Dingell	McCollum	Thompson (MS)
Doggett	McEachin	Titus
Escobar	McGovern	Tlaib
Eshoo	McNerney	Tonko
Espallat	Meeks	Torres (CA)
Evans	Meng	Torres (NY)
Fletcher	Mfume	Trahan
Foster	Moore (WI)	Trone
Frankel, Lois	Morelle	Underwood
Gallego	Moulton	Vargas
Garamendi	Mrvan	Veasey
Garcia (IL)	Murphy (FL)	Velázquez
Garcia (TX)	Nadler	Wasserman
Golden	Napolitano	Schultz
Gomez	Neal	Waters
Gonzalez,	Neguse	Watson Coleman
Vicente	Newman	Wild
Gottheimer	Norcross	Williams (GA)
Green, Al (TX)	O'Halleran	Wilson (FL)
Grijalva	Ocasio-Cortez	Yarmuth
Harder (CA)	Omar	
	Pallone	

NAYS—208

Aderholt	Burgess	Ellzey
Allen	Calvert	Emmer
Amodei	Estes	Estes
Armstrong	Carmack	Fallon
Arrington	Carey	Feenstra
Babin	Carl	Ferguson
Bacon	Carter (GA)	Finstad
Baird	Carter (TX)	Fischbach
Balderson	Cawthorn	Fitzgerald
Banks	Chabot	Fitzpatrick
Barr	Cheney	Fleischmann
Bentz	Cline	Flood
Bergman	Cloud	Flores
Bice (OK)	Clyde	Foxx
Biggs	Cole	Franklin, C.
Bilirakis	Comer	Scott
Bishop (NC)	Conway	Fulcher
Boebert	Crawford	Gaetz
Bost	Crenshaw	Gallagher
Brady	Curtis	Garbarino
Brooks	Davidson	Garcia (CA)
Buchanan	Davis, Rodney	Gibbs
Buck	DesJarlais	Gimenez
Bucshon	Diaz-Balart	Gohmert
Budd	Donalds	Gonzales, Tony
Burchett	Duncan	Gonzalez (OH)
	Dunn	

Good (VA)	Letlow	Roy
Gooden (TX)	Long	Rutherford
Gosar	Loudermilk	Salazar
Granger	Lucas	Scalise
Graves (LA)	Luetkemeyer	Schweikert
Graves (MO)	Mace	Scott, Austin
Green (TN)	Malliotakis	Sempolinski
Greene (GA)	Mann	Sessions
Griffith	Massie	Simpson
Grothman	Mast	Smith (MO)
Guest	McCarthy	Smith (NE)
Guthrie	McCaul	Smith (NJ)
Harris	McClain	Smucker
Harshbarger	McClintock	Spartz
Hartzler	McHenry	Staubert
Hern	McKinley	Steel
Herrell	Meijer	Stefanik
Hice (GA)	Meuser	Steil
Higgins (LA)	Miller (IL)	Steube
Hill	Miller (WV)	Stewart
Hinson	Miller-Meeks	Taylor
Hollingsworth	Moolenaar	Tenney
Hudson	Moore (AL)	Thompson (PA)
Huizenga	Moore (UT)	Tiffany
Jackson	Murphy (NC)	Timmons
Jacobs (NY)	Nehls	Turner
Johnson (LA)	Newhouse	Upton
Johnson (OH)	Norman	Valadao
Johnson (SD)	Oberholte	Van Drew
Jordan	Owens	Van Duyn
Joyce (OH)	Palazzo	Wagner
Joyce (PA)	Palmer	Walberg
Katko	Pence	Waltz
Keller	Perry	Weber (TX)
Kelly (MS)	Pfuger	Webster (FL)
Kelly (PA)	Posey	Wenstrup
Kim (CA)	Reschenthaler	Westerman
Kustoff	Rice (SC)	Williams (TX)
LaHood	Rodgers (WA)	Wilson (SC)
LaMalfa	Rogers (AL)	Wittman
Lamborn	Rogers (KY)	Womack
Latta	Rose	Yakym
LaTurner	Rosendale	Zeldin
Lesko	Rouzer	

NOT VOTING—9

Doyle, Michael F.	Kinzinger	Welch
Herrera Beutler	Mooney	Wexton
Issa	Mullin	
	Suoizzi	

□ 1317

Mr. KATKO changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Axne (Stevens)	Johnson (TX)	Porter (Neguse)
Beyer	(Stevens)	Rice (NY) (Meng)
(Blumenauer)	Kirkpatrick	Rice (SC)
Connolly	(Pallone)	(Valadao)
(Pallone)	Lawson (FL)	Ryan (OH)
Courtney	(Evans)	(Correa)
(Perlmutter)	McEachin	Sherrill
DeFazio	(Trone)	(Pallone)
(Pallone)	Morelle (Meng)	Speier (Correa)
Gonzalez,	Newman (Correa)	Wild (Evans)
Vicente	Palazzo	Wilson (FL)
(Correa)	(Bilirakis)	(Cicilline)

SUPPORTING THE GOALS AND IDEALS OF “MOVE OVER” LAWS

The SPEAKER pro tempore (Ms. WILLIAMS of Georgia). Pursuant to House Resolution 1464, House Resolution 1463 is hereby adopted.

The text of the resolution is as follows:

H. RES. 1463

Whereas the House of Representatives recognizes law enforcement, fire and rescue, emergency medical services, tow truck operators, and transportation workers as traffic incident management responders (as such term is defined by the Traffic Incident Management Handbook of the Federal Highway Administration);